

AN ACT

relating to measures to increase the affordability of textbooks used for courses at public or private institutions of higher education.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 51, Education Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. TEXTBOOKS

Sec. 51.451. DEFINITIONS. In this subchapter:

(1) "College bookstore" means a bookstore that is:

(A) operated by an institution of higher education; or

(B) in a contractual relationship or otherwise affiliated with an institution of higher education.

(2) "Custom textbook" means a textbook that is compiled by a publisher at the direction of a faculty member or other person in charge of selecting course materials at an institution of higher education and that may include items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, or elements unique to a specific institution.

(3) "Faculty member" has the meaning assigned by Section 51.917.

(4) "Institution of higher education" means:

1 (A) an institution of higher education as defined
2 by Section 61.003; or

3 (B) a private or independent institution of
4 higher education as defined by Section 61.003.

5 (5) "Supplemental material," with respect to a
6 textbook, means instructional material developed to accompany the
7 textbook, including printed materials, computer disks, website
8 access, and electronically distributed materials, other than
9 material that is part of an integrated textbook.

10 (6) "Textbook" means a book published primarily for
11 instruction in connection with a particular course or courses
12 offered to postsecondary students by an institution of higher
13 education. The term includes any edition of a textbook or set of
14 textbooks and any item considered supplemental specifically to the
15 textbook, regardless of whether the textbook and supplemental item
16 are sold together or separately.

17 (7) "Textbook bundle" means a textbook that is
18 combined with other instructional material, such as another
19 textbook or additional printed material, a computer disk, website
20 access, or electronically distributed material, and that is
21 packaged or otherwise offered for sale with that instructional
22 material at a single price. The term does not include a textbook
23 that is combined with other instructional material if that material
24 in its entirety is:

25 (A) required to be offered for sale with or as
26 part of the textbook, according to a third-party contractual
27 agreement; or

1 (B) interrelated with the content of the textbook
2 to such a degree that any separation of the material from the
3 textbook would render the textbook unusable for its intended
4 purpose.

5 Sec. 51.452. DISSEMINATION OF COURSE SCHEDULE AND LIST OF
6 REQUIRED AND RECOMMENDED TEXTBOOKS. (a) Each institution of
7 higher education shall:

8 (1) for each semester or academic term, compile a
9 course schedule indicating each course offered by the institution
10 for the semester or term to postsecondary students;

11 (2) with respect to each course, include with the
12 schedule a list of the required and recommended textbooks that
13 specifies, to the extent practicable, the following information for
14 each textbook:

15 (A) the retail price;

16 (B) the author;

17 (C) the publisher;

18 (D) the most recent copyright date; and

19 (E) the International Standard Book Number
20 assigned, if any;

21 (3) except as provided by Subsection (b), at the time
22 required by Subsection (c)(2):

23 (A) publish the textbook list with the course
24 schedule on the institution's Internet website and with any course
25 schedule the institution provides in hard copy format to the
26 students of the institution; and

27 (B) make that information available to college

bookstores and other bookstores that generally serve the students of the institution; and

(4) except as provided by Subsection (b), as soon as practicable after the information becomes available disseminate as required by Subdivision (3) specific information regarding any revisions to the institution's course schedule and textbook list.

(b) An institution of higher education is not required to publish a textbook list as described by Subsection (a)(3)(A) or any revisions to that textbook list as described by Subsection (a)(4) if a college bookstore publishes that list and any revisions to that list on the bookstore's Internet website on behalf of the institution at the appropriate times required by this section.

(c) To allow for timely placement of textbook orders by students, each institution of higher education shall:

(1) establish a deadline by which faculty members must submit information to be included in the course schedule and textbook list required by Subsection (a); and

(2) disseminate the institution's course schedule and textbook list as required by Subsection (a)(3) as soon as practicable after the institution has compiled the schedule and list but not later than the 30th day before the first day that classes are conducted for the semester or other academic term for which the schedule and list are compiled.

Sec. 51.453. TEXTBOOK ASSISTANCE INFORMATION FOR STUDENTS.

To the extent practicable, an institution of higher education shall make reasonable efforts to disseminate to its students information regarding:

1 (1) available institutional programs for renting
2 textbooks or for purchasing used textbooks;

3 (2) available institutional guaranteed textbook
4 buyback programs;

5 (3) available institutional programs for alternative
6 delivery of textbook content; and

7 (4) other available institutional textbook
8 cost-savings strategies.

9 Sec. 51.454. TEXTBOOK PUBLISHERS: AVAILABILITY OF
10 INFORMATION TO FACULTY CONCERNING TEXTBOOK PRICES, REVISIONS, AND
11 COPYRIGHTS. (a) When a textbook publisher provides information
12 regarding a textbook or supplemental material to a faculty member
13 or other person in charge of selecting course materials at an
14 institution of higher education, the publisher shall also provide
15 to the faculty member or other person written information that
16 includes:

17 (1) the price at which the publisher would make the
18 textbook or supplemental material available to a college bookstore
19 or other bookstore that generally serves the students of the
20 institution and, if applicable, to the public;

21 (2) the copyright dates of the current and three
22 preceding editions of the textbook;

23 (3) a description of any substantial content revisions
24 made between the current edition of the textbook or supplemental
25 material and the most recent preceding edition of the textbook or
26 material, including the addition of new chapters, new material
27 covering additional time periods, new themes, or new subject

1 matter;

2 (4) information as to whether the textbook or
3 supplemental material is available in other formats, such as a
4 paperback or unbound version; and

5 (5) the price at which the publisher would make the
6 textbook or supplemental material in any alternative format
7 available to a bookstore described by Subdivision (1) and, if
8 applicable, to the public.

9 (b) A textbook publisher shall comply with this section with
10 respect to a custom textbook only to the extent reasonably
11 practicable.

12 Sec. 51.455. TEXTBOOK BUNDLES. A textbook publisher that
13 offers a textbook bundle for sale directly to students enrolled at
14 an institution of higher education or, for resale purposes, to a
15 college bookstore or other bookstore that generally serves the
16 students of the institution shall also offer for sale to the
17 students or bookstore, as applicable, each individual item of
18 instructional material as a separate, unbundled item that is
19 separately priced.

20 SECTION 2. Subchapter I, Chapter 51, Education Code, as
21 added by this Act, applies beginning with the 2012 fall semester.

22 SECTION 3. This Act takes effect September 1, 2011.

H.B. No. 33

David Newkumst

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 33 was passed by the House on April 15, 2011, by the following vote: Yeas 138, Nays 0, 2 present, not voting.

Robert Hawes

Chief Clerk of the House

I certify that H.B. No. 33 was passed by the Senate on May 23, 2011, by the following vote: Yeas 31, Nays 0.

Daisy Spaw

Secretary of the Senate

APPROVED:

17 JUN '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 PM '11

JUN 17 2011

Boyd R. Davis

Secretary of State